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VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			AGDEPPA, HECTOR A	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/596,466
Filing Date: June 19, 2000
Appellant(s): REDING ET AL.

Joseph R. Palmieri
For Appellant

EXAMINER'S ANSWER

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1, 2, 4, 5, and 8 - 22 (Group I) stand or fall together and that claims 3, 6, and 7 (Group II) stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,884,032	BATEMAN et al.	3-1999
6,141,412	SMITH et al.	10-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. Appellant has only discussed claim 1 with regard to Group I in the appeal brief.

Therefore, examiner will only discuss the grounds of rejection to claim 1.

2. Appellant has only discussed claim 3 with regard to Group II in the appeal brief.

Therefore, examiner will only discuss the grounds of rejection to claim 3.

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3. For claims 2, 4, 5, and 8 – 22 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,884,032 (Bateman et al.) in view of US 6,141,412 (Smith et al.), the rejection is set forth in prior Office Action, Paper No. 6, Pages 2 – 6.

4. For claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,884,032 (Bateman et al.) in view of US 6,141,412 (Smith et al.), the rejection is set forth in prior Office Action, Paper No. 6, Page 5.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,884,032 (Bateman et al.) in view of US 6,141,412 (Smith et al.)

As to claim 1, Bateman et al. teaches a system and method drawn to a call center/automatic call distributor (ACD) system 24, wherein a customer, read as the claimed user is using the Internet to access various call center services. The customer may further request "Live Help" from a live agent, read as the claimed customer service representative, via an HTML prompt/button displayed on the call center web page(s).

(Fig. 1, Col. 6, lines 1 – 30 of Bateman et al.) Effecting the "Live Help" button prompts an additional HTML form to pop up which the customer must fill in (Box 2-3), wherein the HTML form asks the customer for a telephone number they can be reached at that time or at a preferred later time (which the customer also enters on the HTML form).

(Fig. 2, Col. 6, lines 15 – 25 of Bateman et al.) The HTML form can contain, in addition to the customer's telephone number, an IP address, email address, etc. depending on whether the call is to be completed via a telephone switch or the use of Voice over IP,

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or even if the customer desires communications over email or fax. (Col. 6, line 31 – Col. 7, line 13).

Bateman et al. describes the above operation as a “completed HTML help request” that is sent off to the call center’s WWW server 28 “where it is received” by HTTP server 46 of call center 24. (Col. 6, lines 25 – 31 of Bateman et al.) Thus the HTML help request reads on the claimed message, since as claimed, the message represents a request, over the Internet, for a call from an agent.

Finally, Bateman et al. teaches that an outbound call, based on the received HTML help request message, is made to the customer, thereby establishing a call between the customer and the agent. (Col. 6, lines 31 – 60 of Bateman et al.) Note that either ACD system 34 (consisting at least in part of a digital switch in the form of a PBX, Centrex or computer-based) or the above servers read on the claimed calling equipment as it is these elements that are used for outbound dialing. (Col. 5, lines 35 – 53, Col. 7, lines 5 – 13 of Bateman et al.)

What Bateman et al. does not teach is including the telephone number corresponding to at least one customer service representative in the HTML help request.

However, it is well known in the call center arts that customers for various reasons might want to talk to/communicate with a specific agent as taught by Smith et al. (Col. 2, lines 11 – 12 of Smith et al.)

First it must be noted that there is no criticality in using a telephone number for this purpose. Nearly anyone who has ever had to call into a call center for technical

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support, to buy a product over the telephone, etc. has experienced having an agent provide him/her with their name or an agent ID or a telephone number corresponding to the agent's direct line. This is simply because a customer may prefer dealing with a particular agent, it may be quicker to deal with an agent already familiar with a customer's needs, or simply because a direct line would allow a customer to bypass standard call center holding queues and the like.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have used an HTML form that allowed a customer to input a specific agent identifier, whether that identifier is an agent's name, ID, telephone number, or any appropriate information identifying a specific agent in Bateman et al. This is because, as discussed above, there exists a well-known motivation for desiring contact with a specific agent. Therefore, in addition to inputting a customer's telephone number, a telephone number or identifier of a specific agent could also be inputted into the HTML form taught by Bateman et al.

Moreover, it is well known in the computer as well as telephony arts that a web developer/programmer/system administrator can include nearly anything he/she would want in an HTML form. Again, nearly everyone who has used the Internet has filled out some type of HTML form and further knows that HTML forms can be varied and configured for all sorts of uses. HTML forms are not the type of technology wherein only a few types or variations exist. Therefore there is no reason rising above the standard level of obviousness that would preclude someone from simply adding another

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input field such as comment field or agent telephone number field to the HTML form taught by Bateman et al.

Also, Bateman et al. teaches that a customer may contact a call center via an email message. Again, anyone who is familiar with email communications knows that one can enter anything he/she may want into an email message, including some indication of a specific agent he/she wants to communicate with. (Col. 6, lines 28 – 30 of Bateman et al.) Bateman et al. as well teaches allowing web browsing of a specific agent's voice mailbox, again providing more motivation and suggestion that it would have been obvious to include some type of agent-specific servicing of a customer. (Col. 7, lines 28 – 37 of Bateman et al.)

Alternatively, Bateman et al. also teaches a second embodiment wherein a customer may use a PC 111 to make a multimedia call to a multimedia or WWW server 102 of call center 104, and again, select a "make call" option. (Col. 8, lines 11 – 50 of Bateman et al.) Bateman et al. teaches that the request first signals through the broadband data net 117 to a PSTN telephone switch 116 to ring a customer's line 107. Then the switch 116 dials the destination party automatically, which could be an ACD/call center group or individual agent. (Col. 8, lines 51 – 61 of Bateman et al.)

Note first that because WWW servers are used, the broadband data net 117 is the Internet or analogous to the Internet. Also, switch 116 is an intermediate switch, not a switch within call center 102, nor is the switch 116 under the call center's control. (Fig. 6 of Bateman et al.) Therefore it is at least obvious if not inherent that some call request message originating from PC 111 is used to initiate communications between

the customer and agent. It is also obvious if not inherent that the call request message or some other call processing message has both the customer's telephone number as well as the agent's or call center's telephone number. This is because, as discussed above, since switch 116 is not controlled by call center 102, there would no other way for switch 116 to know to dial both the customer's line and the call center or agent, and what numbers to specifically dial. Such operation is known if not standard in POTS and PSTN communications.

6. Claim 3 is also rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,884,032 (Bateman et al.) in view of US 6,141,412 (Smith et al.)

See the rejection of claim 1. Furthermore, Bateman et al. teaches in a third embodiment, that a customer selects a "make call" or "help" button appearing on an HTML/web page. (Col. 10, lines 1 – 3 of Bateman et al.) Bateman et al. teaches that this customer request initiates a PC based DDE whereby the telephone number in the HTML/web page to be called is passed to another application where an outbound call is dialed. Afterwards, an agent may answer the outbound call and communication between the customer and agent is effected. (Col. 10, lines 3 – 13 of Bateman et al.)

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to have allowed a customer of Bateman et al. to obtain the telephone number of at least one agent from an HTML/web page. In this third embodiment, Bateman et al. teaches immediately effecting communications between the customer and agent, therefore, not involving a request for an agent to call the

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customer. However it provides a strong motivation for a system that as discussed above, can connect a customer to a specific agent, wherein the customer could glean a specific agent's telephone number from an HTML/web page instead of inputting a telephone number.

Interpreted differently, all claim 3 suggests is before filling out the HTML form discussed above in claim 1, a customer performs a web search or searches for a telephone number on the call center's website, read as the claimed operating said computer located at a user premise. With this interpretation, claim 3 amounts to a mere preliminary step a customer would engage in before inputting a telephone number of a specific agent, i.e., finding that telephone number so that he/she may the telephone number to input it. Furthermore, this interpretation results in a limitation that would not even have to be implemented in Bateman et al. by one of ordinary skill in the art at the time the invention was made, because such an action is entirely within the scope of the customer's own actions, and wholly unrelated to the operation of the invention.

(11) Response to Argument

1. As to appellant's argument regarding Bateman et al., the rejection examiner made was a 103 obviousness rejection with Smith et al. Therefore, although the Bateman et al. reference alone, in examiner's first interpretation, shows no need to include an agent's telephone number, Smith et al. teaches a well known motivation to request communication with a specific agent. This combined with the obviousness of configuring an HTML form, taught by Bateman et al., to include a field that would accept

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customer input regarding an agent identifier such a telephone number makes appellant's invention ultimately obvious.

Moreover, as appellant argues, on page 7 of the appeal brief, Bateman et al. shows no "need" to include an agent's telephone number. However "need" is different from a showing that it would not be possible for Bateman et al. to be modified as discussed by examiner. In the latter situation, examiner would be precluded from arguing obviousness. However, simply because Bateman et al. does not "need" to do something, does not mean that it would not be obvious to, and as examiner discussed above, there is ample motivation for doing so.

As to appellant's argument regarding the embodiment of Bateman et al. shown in Figs. 6 and 7, note that Fig. 7 illustrates a scenario wherein a screen assisted telephone (SAT) set is used. However, as discussed above, a PC 111 may be used, and therefore, in that case, no beacon/cti server 109 would be needed.

Even accepting appellant's argument, no language in claim 1 specifically limits the present invention to using a single call initiation message, only that one message is received from the customer's computer, wherein that message contains both the telephone number of the customer and of at least one agent. Note as well that claim 1 recites "operating, in response to said received message, calling equipment to establish a call..." There is no indication in this language that the received message is actually used by the calling equipment, only that the calling equipment is operated after receiving at least the one request message.

Therefore, while in examiner's initial interpretation of Bateman et al., the help request message was generated by an HTML form and a customer's own input, the alternative interpretation also includes a scenario wherein, the message is some standard call processing control message known in the art if not inherent. Again, in any call request control message, information including the calling and called number must be present. Otherwise there would be no way for an originating and terminating switch to complete a call.

As to appellant's remaining arguments to Bateman et al., they have been addressed above in the rejection of claim 1 and are encompassed by the above discussion.

2. As to appellant's arguments regarding the Smith et al. reference, mention of the "desire" to talk to a specific agent is made in the "Background of the Invention" portion of the specification. Its presence here indicates that this desire is old and well known in the art belying the need for in depth discussion of a feature that would allow for such functionality. Moreover, as discussed above in the rejection of claim 1, nearly anyone who has interacted with an agent in a call center knows that it is extremely common for an agent to provide the customer with their name or number. Appellant cannot be arguing that it is not known to specifically ask for an agent either using a name or telephone number. This is simply too well known.

Also, appellant argues on page 11 of the appeal brief that combining Smith et al. and Bateman et al. would not result in the claimed invention. However, again, examiner

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cited Smith et al. to show the requisite desire and motivation for modifying Bateman et al. as discussed in the rejection of claim 1. Again, appellant cannot be arguing that it is not a matter of choice to include more or less fields accepting input of any kind in an HTML form, because there are a myriad of HTML forms used on the Web encompassing all types of variations. The same is true of email messages. One can put anything they want into an email message, including their telephone number and a statement indicating that they would like to be contacted by agent X or the agent at telephone number NXX-XXXX.

Appellant seems to be implying that claim 1 explicitly or impliedly recites the limitation that the request message is used in some way to effect the call between a customer and an agent, i.e., that the customer's telephone number and agent's telephone number are parsed out or taken out of the message and used by the calling equipment. However, as discussed above, this is not the case. Claim 1 only states that calling equipment is generally operated after the request message is received. There is no claimed interaction between the calling equipment and the request message.

A scenario wherein an intermediate operator, agent, supervisor, or computer program scans or reads the request messages, and then uses other call processing control messages or other means to indicate to an agent identified by the request that he/she should call the customer at the telephone number provided would read on the claimed invention. In fact, Bateman et al. teaches or at least suggests such a scenario. (Col. 7, lines 37 – 60 of Bateman et al.)

In other words, Smith et al. teaches that a known desire for a customer to speak to a specific agent exists. Therefore, if an agent was operating in a call center as taught by Bateman et al., an obvious way to implement that desire would be to somehow indicate on an HTML form or email that the customer would like to speak with a specific agent. Examiner is unaware of any other way of communicating with a specific agent besides somehow identifying that agent (via telephone number, name, ID) at the call center some time before the call is connected.

Moreover, if an agent has a telephone, they have an associated telephone number. Even if what examiner has argued above were not known, there is nothing from stopping an agent from giving his/her direct line telephone number to a customer to use at a later time. Therefore, again, the desire and motivation that Smith et al. teaches very simply is still sufficient in this case, and the idea of allowing a customer to directly contact an agent would translate into inputting that number or some identifier in an HTML form or email, when considering a Web/Internet environment.

Also, appellants argue that examiner has repeatedly refused to explain where or to what elements of Bateman et al. may be modified. In the previous office action, paper 6, for example, examiner noted on page 4 that it would be obvious for a customer to include the telephone number of a specific agent in an email message used in Bateman et al. While the explanation is simple, this is all the modification that is required in Bateman et al. As discussed, a supervisor could scan an email and see that a customer wanted to speak to a specific agent. In queuing or prioritizing that call, the supervisor would simply queue or prioritize that call for that specific agent. Again,

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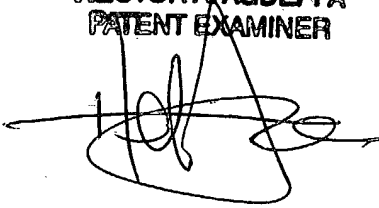
appellant's arguments regarding the claimed invention do not involve the interoperability of certain system elements which would require a discussion or showing of obviousness wherein specific element modifications have to be discussed.

3. As to claim 3, appellant's arguments have been addressed above in the rejection of claim 3.

For the above reasons, it is believed that the rejections should be sustained.

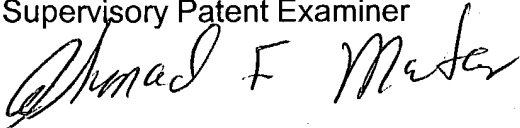
Respectfully submitted,

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November 26, 2004

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